

Notice of Allowability

Application No.

09/602,262

Applicant(s)

COHEN ET AL.

Examiner

Art Unit

Martin Lerner

2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Pre-Appeal Brief Request for Review filed 22 August 2005.
2. ☒ The allowed claim(s) is/are 1 to 10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>Comment Re: Drawings</u> . |

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Martin Lerner called Anne Dougherty to request approval of an examiner's amendment to bring the case into condition for allowance. Following a Pre-Appeal Conference with SPRE John Peng and SPE Richemond Dorvil, and in light of points made by John Peng, Martin Lerner reconsidered the rejection of independent claims 1 and 9 as being obvious over Chen and Braida et al. Martin Lerner stated to Anne Dougherty that the case would be allowed if Anne Dougherty agreed to cancellation by examiner's amendment of the limitation directed to "without altering the video content", which was the subject of a new matter rejection under 35 USC 112, 1st Paragraph. Anne Dougherty said she agreed to the examiner's amendment if it would bring the case into condition for allowance.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anne Dougherty on 20 September 2005.

The application has been amended as follows:

Replace independent claims 1 and 9:

1. (currently amended) A method for providing synchronization of audio to video content comprising the steps of:

processing a video signal to generate a video output comprising at least one time stamped acoustic identification of the content of the audio associated with the video signal along with the video content;

processing an audio signal to generate an audio output comprising at least one time stamped acoustic identification of the content of said audio signal; and

synchronizing the video signal to the audio signal by adjusting at least one of the signals to align at least one acoustic identification from the video signal with a corresponding acoustic identification from the audio signal.

9. (currently amended) A system for providing synchronization of audio to video content comprising:

a video processing component for processing a video signal to generate a video output comprising at least one time stamped acoustic identification of the content of the audio associated with the video signal along with the video content;

an audio processing component for processing an audio signal to generate an audio output comprising at least one time stamped acoustic identification of the content of said audio signal; and

a synchronization component comprising the video signal to the audio signal by adjusting at least one the signals to align at least one acoustic identification from the video signal with a corresponding acoustic identification from the audio signal.

COMMENT RE: DRAWINGS

2. The drawings filed on 23 June 2000 are objected to as being informal. Figures 1 to 5 are hand drawn. The Application now being allowed, in order to avoid abandonment of this application, correction is required in reply to the Office Action. The correction will not be held in abeyance.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

Independent claims 1 and 9 are allowable because the prior art of record does not disclose or reasonably suggest "time stamped acoustic identification of the content of the audio" for the audio signal.

It is noted that Applicants' Specification, Page 8, Line 8 to Page 11, Line 2, discloses time stamping by articulatory type for phonetic labeling. Thus, the claim limitation of "time stamped acoustic identification" would require not only time stamping, but also identification of each portion of video and audio as a specific phoneme or articulatory type. *Chen* discloses time stamping of video for phoneme-to-viseme identification (column 2, lines 39 to 42: Figure 1), so it can be construed to disclose "time stamped acoustic identification" for video. However, *Braida et al.* does not disclose or reasonably suggest "time stamped acoustic identification of the content of the audio" for the audio signal. *Braida et al.* only expressly discloses time stamping in two instances -- Column 12, Line 26 and Column 12, Line 56. *Braida et al.* says, "Digital video images 38 also have time stamps which are referenced to the same time." (Column 12, Lines 25 to 27) Here, though, by "also", *Braida et al.* is referring to time stamping of cues, which are video content of human hand shape, and not time stamping an audio signal. *Braida et al.* does not clearly disclose "time stamped acoustic identification" for the audio signal, which would require a time stamp and an indication of

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a specific phoneme or articulatory type for the audio signal. Thus, the claims are allowable on this basis.

Applicants have agreed to cancellation by examiner's amendment of the limitation of "without altering the video content", which was the subject of a new matter rejection under 35 USC 112, 1st Paragraph, so as to bring the case into condition for allowance. Thus, these limitations of independent claims 1 and 9 are cancelled by examiner's amendment.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

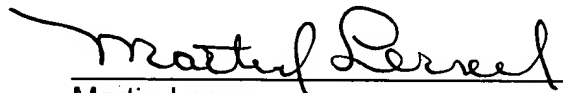
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
9/22/05

A handwritten signature in black ink, appearing to read "Martin Lerner", written over a horizontal line.

Martin Lerner
Examiner
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